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Administration of justice at the United Nations

Administration of justice in the Secretariat

Interim report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the administration of justice in the Secretariat (A/59/706). During its consideration of this matter, the Committee met with the representatives of the Secretary-General who provided additional information.

2. This latest report by the Secretary-General is in follow-up to a report that was taken up by the Advisory Committee in November 2004 (A/59/449). It has been issued in response to a request by the Committee for an analysis of the financial resources necessary to achieve the objectives referred to in the main report.

3. In his statement of 24 November 2004 (A/C.5/59/SR.27), the Chairman of the Advisory Committee indicated that the report of the Secretary-General on the administration of justice (A/59/449) was one in a series and that, in fact, the issues discussed in the report had been raised by the Committee as far back as 1985. It was further stated that the material contained in that report was, in many respects, not new to the Committee, as the problems alluded to had persisted over many years. The Chairman indicated that the Committee takes this matter very seriously as it has a significant impact on staff morale and productivity as well as on the efficiency of the Organization, and could also have a significant financial impact.

4. It was the intention of the Advisory Committee to revert to this matter before the end of December 2004 upon receipt of the requested financial and resource analysis. The Committee regrets that the requested report (A/59/706), which is very brief, was not received until 18 February 2005. Moreover, the current submission does not fully respond to the Committee's request for a clear justification of needs as well as a full expose of what would be achieved through the provision of additional resources.

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5. The report can be divided into two parts. The first concerns the current biennium, for which estimated requirements of $462,100 are proposed to be met from within existing resources. These resources would be used to eliminate current backlogs in:

(a) Conducting administrative reviews in the Office of Human Resources Management and preparing respondent's replies to the Joint Appeals Board;

(b) Processing and considering appeals in Geneva and Nairobi;

(c) The work of the Office of the Under-Secretary-General for Management related to the administration of justice.

It is also planned to update the electronic Case and Jurisprudence Digest of Administrative Tribunal Judgements and to cover start-up costs for training the members of the Joint Appeals Board in New York, Geneva, Vienna and Nairobi.

6. As indicated in paragraph 4 of the report of the Secretary-General, additional resource requirements for 2006-2007 could amount to $1,021,600. Some detail is provided in the annex to the Secretary-General's report. The Advisory Committee was informed, upon request, that of this amount, $290,600 would be for the support account (P-3 Legal Officer, Joint Appeals Board secretariat, New York, and P-4 Legal Officer, Panel of Counsel) and the rest under the regular budget.

7. Also in paragraph 5 of the report, it is indicated that a request for these resources will be submitted to the Assembly in the context of the proposed programme budget for 2006-2007 and of the peacekeeping support account for the period 2005-2006. It was further indicated that all efforts will be made to identify offsetting amounts within other areas of the budget to ensure that these proposals would not call for additional resources for the Organization as a whole.

8. Recalling that the Advisory Committee first raised this issue in a discussion in chapter I of its first report on the proposed programme budget for 1986-1987, the Committee intends to revert to this issue when it takes up the proposed programme budget for 2006-2007. The Committee will consider the proposals of the Secretary-General referred to in the most recent report (A/59/706, para. 6 and annex) in a wider context, including the reasons why staff seek recourse to the justice system on the one hand and the reasons for the volume of cases under consideration (such as frivolous and/or multiple appeals) on the other. The Committee has consistently maintained over the years that the problems besetting the administration of justice in the Secretariat involve much more than a perceived lack of resources; indeed, at the core of the matter lie difficulties with administrative processes and procedures and the culture of staff-management relations. The Committee is once again prepared to look into this matter comprehensively.

9. The Advisory Committee's examination would touch not only upon the matter of the Joint Appeals Board but would also include the relevant activities of the Office of the Ombudsman, the Office of Legal Affairs, the Office of Human Resources Management, the Office of the Under-Secretary-General for Management as well as the Administrative Tribunal. The Committee intends to consult with other institutions, including the Administrative Tribunal of the International Labour Organization, in order to gain a better insight as to how internal justice systems operate at other organizations and bodies of the United Nations system.

10. **In the meantime, the Advisory Committee recommends that the Secretariat be authorized to proceed with its effort to eliminate current backlogs, using existing resources, as proposed by the Secretary-General. The Committee would expect a progress report when it next takes up the matter in spring/summer 2005. The Committee trusts that proposals for the 2006-2007 programme budget will address the Committee's concerns for full justification (see para. 4 above) and that information will also be made available on how the request of the General Assembly concerning the linkage between the administration of justice and personal responsibility and accountability are being met (see General Assembly resolution 57/307, paras. 24 and 25).**